

JUL 27 2005

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of  
**Michel Dib, et al.**

Examiner: Spivack, Phyllis G.

Serial No.: 10/783,451

Art Unit: 1614

Filed: February 20, 2004

**TELEFAX CERTIFICATE**Title: **Combination of Cyamemazine and an  
Atypical, Neuroleptic**I hereby certify that this correspondence is being  
transmitted via facsimile to the Commissioner for  
Patents, Alexandria, VA 22313, at (571) 273-8300 on7-27-05  
Date of Transmission  
*Manuel Mendez*  
Signature**TERMINAL DISCLAIMER**

Commissioner for Patents

Washington, D.C. 20231

Sir:

The petitioner, Aventis Pharma S. A., having offices at 20 avenue Raymond Aron, Antony, Cedex 92165 France, represents that it is the assignee of Application Serial No. 10/783,451, filed on February 20, 2004, by virtue of an assignment of the parent Application Serial No. 10/164,771, now U. S. Patent No. 6,720,318 B2, which is recorded at the USPTO at Reel/Frame 012871/0698 on July 10, 2002.

The petitioner, Aventis Pharma S. A., hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of United States Patent No. 6,720,318 B2, issued on April 13, 2004, which is assigned to and commonly owned by Aventis Pharma S.A., and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to aforementioned U. S. Patent No. 6,720,318 B2, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Such disclaimer does not, however, mean that petitioner hereby waives or disclaims any right to an extension of the term of any patent issuing from application serial number 10/783,451, under 35 USC §§ 155 to 156, pursuant to (a) Title II of Pub. L. No. 98-417, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. 98-417, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term

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Restoration Act of 1984", (b) Pub. L. No. 100-670, enacted November 16, 1988 and entitled "Patent Term Extension for Animal Drug Products", or (c) any other subsequently enacted Public Law or Act which provides for the extension of the term of a patent.

Such disclaimer does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term, as presently shortened by any terminal disclaimer of U. S. Patent No. 6,720,318 B2 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.


For submissions on behalf of Aventis Pharma S.A., the undersigned is empowered to act on behalf of the organization. Enclosed is a Statement under 37 C.F.R. 3.73(b) Establishing Right of Assignee to Take Action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge Deposit Account No. 18-1982 in the amount of \$130.00. The Commissioner is authorized to charge any fees under 37 CFR 1.16 - 1.21 or credit any overpayment to Account No. 18-1982.

Signed at Bridgewater, New Jersey, U.S.A., this 27<sup>th</sup> day of July, 2005.

Respectfully submitted,



Balaram Gupta, Reg. No. 40,009  
Attorney/Agent for Applicant

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PTO/SB/96 (08-00)

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Aventis Pharma S.A.Application No./Patent No. 10/783,451Filed/Issue Date: February 20, 2004Entitled: Combination of Cyamemazine and an Atypical, NeurolepticAventis Pharma S.A.

(Name of Assignee)

, a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

States that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_ or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_ or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_ or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.



Copies of assignments or other documents in the chain of title are attached.

**(NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

July 27, 2005

Date

Balaram Gupta, Reg. No. 40,009

Typed or printed name

Balaram Gupta

Signature

Associate Vice President

Title

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231  
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.